

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

JEFFREY DONNELL ROBINSON,

Plaintiff,

v.

C. CRYER, L. MERRITT, and K. PHUI,

Defendants.

Case No. 1:20-cv-0980 JLT HBK (PC)

ORDER ADOPTING THE FINDINGS AND  
RECOMMENDATIONS IN FULL,  
GRANTING DEFENDANTS' MOTION  
FOR SUMMARY JUDGMENT IN PART,  
AND DISMISSING THE CLAIM AGAINST  
DEFENDANT PHUI WITH PREJUDICE

(Docs. 53, 57)

Jeffrey Donnell Robinson asserts his rights arising under the Eighth Amendment were violated during his incarceration at the California Substance Abuse Facility. Plaintiff alleges defendants Cryer, Merritt, and Phui were deliberately indifferent to his serious medical needs, which Plaintiff asserts resulted in him being wheelchair-bound.

Cryer and Phui contend Plaintiff failed to exhaust his administrative and seek summary adjudication of the claims raised against them. (Doc. 53.) The assigned magistrate judge found Plaintiff failed to exhaust his administrative remedies against Phui. (Doc. 57 at 10-14.) However, the magistrate judge found Plaintiff exhausted his administrative remedies as to Merritt in Grievance Log No. SATF HC 20000867. (*Id.* at 12-14.) Therefore, the magistrate judge recommended the defendants' motion for summary judgment be granted as to Phui and denied as to Merritt. (*Id.* at 14.)

1 The Court served the Findings and Recommendations were served on all parties, and it  
2 notified them that any objections must be filed within fourteen days of the date of service. (Doc.  
3 57 at 14.) In addition, the Court advised the parties that the “failure to file objections within the  
4 specified time may result in the waiver of rights on appeal.” (*Id.*, citing *Wilkerson v. Wheeler*,  
5 772 F.3d 834, 838-39 (9th Cir. 2014), *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).)  
6 To date, no objections have been filed, and the time to do so has expired.

7 According to 28 U.S.C. § 636(b)(1)(C), the Court conducted a de novo review of this case.  
8 Having carefully reviewed the entire file, the Court concludes the Findings and Recommendations  
9 are supported by the record and by proper analysis. Thus, the Court **ORDERS**:

- 10 1. The Findings and Recommendations filed on April 19, 2023 (Doc. 57), are  
11 **ADOPTED** in full.
- 12 2. Defendants’ motion for summary judgment (Doc. 53) is **GRANTED** as to  
13 defendant Phui and **DENIED** as to defendant Merritt.
- 14 3. Plaintiff’s claim against Phui is **DISMISSED** with prejudice.
- 15 4. The matter is referred to the magistrate judge for further proceedings.

16  
17 IT IS SO ORDERED.

18 Dated: May 24, 2023

  
UNITED STATES DISTRICT JUDGE